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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,194

01/20/2004

Takeshi Nogami

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05/02/2006

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WASHINGTON, DC 20036

EXAMINER

TOLEDO, FERNANDO L

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/759,194

Applicant(s)

NOGAMI ET AL.

Examiner

Fernando L. Toledo

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

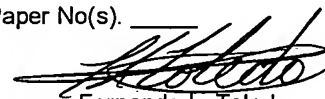
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
Fernando L. Toledo  
Patent Examiner  
Art Unit 2823

Continuation of 11. does NOT place the application in condition for allowance because: Applicant agrees that Uzoh teaches most of the claimed invention. However, Applicant contests the following: Regarding claim 19, Applicant contests that Uzoh fails to teach a movement positioning means for moving and positioning the polishing pad 64 to a target position in a direction facing the wafer W. Examiner respectfully submits that such limitation is clearly taught in Figure 15. Regarding claim 25, Applicant contests that Uzoh does not teach that element 66 as being a scrub member. Examiner respectfully submits that such limitation is found in column 5, lines 42 - 50. Regarding claim 29, Applicant contests that Uzoh does not teach a resistance meter. Examiner respectfully submits that Figure 13, teaches such limitation. Regarding, claim 30, Applicant contests that Uzoh does not show a control means. Examiner respectfully submits that such control means are shown in the apparatus schematic of Figure 15. Regarding claims 31 and 32 Applicant contests that Uzoh fails to disclose a relative moving means for enabling the polished surface of the polishing object and the polishing surface of the polishing tool to move along a predetermined plane relative to each other. Regarding claim 33, Applicant contests that Uzoh fails to disclose a step of making the polishing tool and polishing object move relatively along a predetermined plane while rotating the two. Examiner respectfully submits that the disputed limitation is shown in the schematics of the apparatus shown in Figure 15. Regarding claim 35, Applicant contests that Uzoh fails to teach or suggest current flowing from the surface of the wafer W to the pad 64 through the electrolyte, changing in response to differences in the electrical characteristics of the materials of the film, is monitored and the progress in the polishing is managed based on the magnitude of the electrolytic current. Examiner respectfully submits that figure 13 shows such limitation. Regarding claim 39, Applicant contests that Uzoh fails to disclose a step of managing the progress of the polishing of the polished object based on the magnitude of the electrical resistance between the electrode member and the polishing tool through the surface of the polished object. Examiner respectfully submits that the disputed limitation is shown in Figure 13. Regarding claim 41, Applicant contests that Uzoh fails to disclose a step of making the polishing surface of the polishing tool and the metal film of the polishing object move relatively along a predetermined plane and selectively removing a passivation film on a projecting portion projected from the polishing surface of the polishing tool in the metal film by mechanical polishing by the polishing tool. Examiner, respectfully submits that such limitation is found in figure 15 and corresponding text in the reference of Uzoh. Regarding claim 43, Applicant contests that Uzoh does not teach that insulator 16 is a passivation layer. Examiner respectfully submits that layer 16 of Uzoh is a passivation layer, since as shown by Uzoh, component 20 is a CMOS device that is made in the layer 16 and the conductive metal is atop both; layer 16 and component 20. This is evidence that layer 16 acts as a passivation layer since component 20 is buried in layer 16. Regarding claim 45, Applicant contests that Uzoh fails to disclose that the passivation film 16 has a higher electrical resistance and lower mechanical strength compared to metal film 18. Examiner respectfully submits that layer 16 is, as taught by Uzoh, silicon oxide, which is very well known in the art to be an insulator and hence having a higher electrical resistance than copper or any other metal. It is also very well known in the art that silicon oxide is a more brittle material compared to metals and as such it would have a lower mechanical strength than that of copper. Regarding claim 47, Applicant contests that Uzoh does not teach a step of managing the progress of the polishing based on the magnitude of the electrical resistance between the electrode member and the polishing tool. Examiner respectfully submits that Figures 13 and 15 show the aforementioned contested limitation. Applicant is reminded that they are responsible for the entire reference cited in the rejection and not just limiting to the sections cited in the Office Action.